

EXHIBIT 3

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: NATIONAL PRESCRIPTION MDL No. 2804
OPIATE LITIGATION Case No. 17-md-2804

This document relates to: Judge Dan
Aaron Polster

The County of Cuyahoga v. Purdue
Pharma, L.P., et al.
Case No. 17-OP-45005

City of Cleveland, Ohio vs. Purdue
Pharma, L.P., et al.
Case No. 18-OP-45132

The County of Summit, Ohio,
et al. v. Purdue Pharma, L.P.,
et al.
Case No. 18-OP-45090

VOLUME I
Videotaped Deposition of Kyle J. Wright
Washington, D.C.
February 28, 2019
9:33 a.m.

Reported by: Bonnie L. Russo
Job No. 3244302

1 MR. MIGLIORI: Objection to form.

2 THE WITNESS: I do not object to
3 this.

4 BY MS. MAINIGI:

5 Q. So based on your recollection and
6 your review sitting here today, you agree --
7 you have no reason to disagree with the
8 testimony you provided in 2011?

9 A. Yes, ma'am.

10 MR. SHKOLNIK: Objection. Improper
11 use of the document.

12 BY MS. MAINIGI:

13 Q. Let me ask you -- let me the switch
14 for one moment while we seem to be looking for
15 other things.

16 When there is a suspicious order --
17 or let's say a registrant identifies a possible
18 suspicious order.

19 It's quite possible that, upon
20 further investigation, the registrant could
21 resolve the question of whether the order is
22 suspicious and make the decision to go ahead
23 and ship, correct?

24 MR. BENNETT: Objection. Form.

25 THE WITNESS: Correct.

1 BY MS. MAINIGI:

2 Q. Okay. And the exercise that the
3 registrant goes through to do some due
4 diligence to really bear out whether the order
5 is, in fact, truly a suspicious order or not,
6 that due diligence exercise, is there a
7 regulatory requirement to document that due
8 diligence?

9 A. I apologize for being such a worm.
10 Can you repeat, please.

11 (The record was read as requested.)

12 THE WITNESS: No.

13 MS. MAINIGI: Can you get out
14 Exhibit 17.

15 BY MS. MAINIGI:

16 Q. While -- while we're just getting
17 that exhibit together, one question for you,
18 Mr. Wright, in a different area.

19 Did you -- for a while you had a
20 practice of notifying registrants when a
21 distributor terminated a customer based on
22 concerns about diversion, correct?

23 A. Yes.

24 Q. And so you would group -- you would
25 send out an e-mail or something and BCC

1 individuals from various companies, your
2 contacts at various companies, in an effort to
3 keep folks apprised about customers that were
4 terminated, correct?

5 A. Yes.

6 Q. And you would send those e-mails to
7 both distributors and manufacturers, correct?

8 A. Yes.

9 Q. And you understood that the
10 recipients of these e-mails found them helpful
11 in carrying out their due diligence
12 obligations, correct?

13 MR. BENNETT: Objection. Form.

14 THE WITNESS: Yes.

15 BY MS. MAINIGI:

16 Q. And at the end of your e-mails, you
17 would say to distributors or manufacturers
18 something to the effect of, "If your company
19 deems it appropriate to terminate or restrict a
20 customer, as a courtesy to the distributor
21 community, please notify this office," correct?

22 A. Correct.

23 Q. And do you recall that, in fact,
24 distributors did do that, correct?

25 A. Correct.

1 exchange?

2 A. I have recollection not of all the
3 context, but yes.

4 Q. Okay. And do you see halfway down
5 an e-mail from you dated January 31st, 2017, at
6 5:32 p.m.?

7 A. Where do we see 5:32 p.m.?

8 Yes.

9 Q. Okay. And would you mind just
10 reading that e-mail for the record.

11 MR. MIGLIORI: Objection.

12 THE WITNESS: "The WDO, on a monthly
13 basis, downloads all SORS reports from the
14 previous month, conducts the analysis of those
15 SORS to eliminate large number of false
16 positives, and then assigns out the
17 miscellaneous assignments, those that have
18 investigative potential. I previously passed
19 this link to the GSs within the division to
20 include newly assigned GS Kellum for their
21 information."

22 BY MR. O'CONNOR:

23 Q. Okay. Any reason to think that
24 e-mail -- it wasn't accurate at the time you
25 wrote it?

1 A. No.

2 Q. Okay. Curiosity: What is the WDO?

3 A. Washington district office.

4 Q. Okay. Okay. When you said in this
5 e-mail that there were a large number of false
6 positives, that referred to orders that were
7 reported to suspicious but were not likely to
8 be diverted, correct?

9 MR. BENNETT: Objection. Form of
10 the question.

11 THE WITNESS: The word "diverted"
12 means an act that it -- my understanding of the
13 word "diverted" means an act that has already
14 been fulfilled. It's -- it's -- it's been
15 taken out -- taken out of this closed system of
16 distribution.

17 MR. O'CONNOR: Okay.

18 THE WITNESS: It doesn't
19 necessarily -- source does not mean -- or
20 suspicious order does not imply that. It
21 implies that there are suspicions that need to
22 be resolved. Anomalies exist.

23 BY MR. O'CONNOR:

24 Q. Okay. But being reported as
25 suspicious does not imply necessarily that it

1 will be diverted, correct?

2 A. It does not imply that, no.

3 Q. Earlier today we talked a little bit
4 about -- or about ARCOS data.

5 At one point you were the unit chief
6 for targeting and analysis, correct?

7 A. Correct.

8 Q. And that unit is responsible for
9 ARCOS data; is that fair?

10 A. It is responsible for the output
11 side of -- and making the information available
12 as needed for analytical studies,
13 investigations. But it is not responsible for
14 the input side.

15 Q. Okay. What do you mean by "the
16 output side"?

17 A. Output the product has been
18 finalized.

19 Q. Okay. Would that refer to reports
20 that are generated from ARCOS or something
21 else?

22 A. The information has gone through the
23 input side, which does several checks to make
24 sure that the data could be used and received
25 properly; it's been reported properly.

1 Then once it goes through the form
2 that they report, it then has to go -- an NDC
3 number is what they report with no description.
4 When it comes to me, it's the NDC and then the
5 full description.

6 It is the registrant's DEA number.
7 That's it. Mine is the cross-reference to the
8 CSA, which gives me -- tells me that it's a
9 pharmacy or -- or -- or whatever.

10 Once it comes to me, then the data
11 is available for our use.

12 Q. And what was the purpose of your use
13 of the data?

14 A. To support investigations and to
15 determine if I saw any outliers, anomalies that
16 I -- my group, my unit felt were egregious
17 enough to warrant further investigation.

18 Q. And how would your group going about
19 -- go about determining whether they're
20 egregious enough to warrant further
21 investigation?

22 MR. BENNETT: Object. The witness
23 is instructed that you may not talk about
24 confidential law enforcement techniques that
25 you used.